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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/049,733
		Filing Date	November 8, 2002
		First Named Inventor	Yoichi Kawashima
		Art Unit	3728
		Examiner Name	Jila M. Mohandes
Total Number of Pages in This Submission	3	Attorney Docket Number	388-020198

### ENCLOSURES (Check all that apply)

- Fee Transmittal Form (1p. in trip.)
- Fee Attached (check, 1 p.)
- Preliminary Amendment
- Election With Transverse (2 pp.)
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Supplemental Information Disclosure Statement
- Certified Copy of Priority Documents
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53 (2pp. in trip.)

- Drawings
- Licensing-related Papers
- Petition for Extension of Time (2 pp. in trip.)
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) \_\_\_\_\_

- After Allowance communication to Technology Center (TC)
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below)

Remarks:

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Darrell E. Williams, Registration No. 45,222	
Signature		
Date	August 26, 2004	

### CERTIFICATE OF TRANSMISSION/MAILING

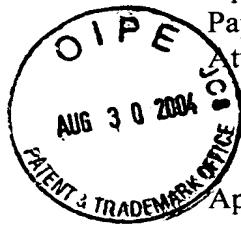
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Typed or printed name	Chris Reichert	Date	August 26, 2004
Signature			

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Application No. 10/049,733  
Paper dated August 26, 2004  
Attorney Docket No. 388-020198



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/049,733  
Applicants : Yoichi Kawashima et al.  
Filed : November 8, 2002  
Title : OPEN INSTILLATION CONTAINER AND  
METHOD OF MANUFACTURING THE  
CONTAINER  
Group Art Unit : 3728  
Examiner : Jila M. Mohandes  
Confirmation No. : 4588  
Customer No. : 28289

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ELECTION WITH TRAVERSE**

Sir:

This is in response to the Office Action dated July 26, 2004 in which the Examiner has required a restriction to one of the following invention:

Invention Group I, covering claims 1-5, 10 and 14-15, drawn to an eye drop container; and

Invention Group II, covering claims 6-9, 11-13 and 16, drawn to a method of manufacturing an eye drop container.

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Chris Reichert	
(Name of Person Mailing Paper)	
Signature	August 26, 2004
Date	

Application No. 10/049,733  
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Applicants hereby elect for further prosecution the invention of Group I, covering claims 1-5, 10 and 14-15, drawn to an eye drop container.

The Examiner asserts that the inventions of Groups I and II do not relate to a single general inventive concept because the inventions lack the same or corresponding special technical features. Applicants respectfully traverse this Restriction Requirement on the grounds that no serious burden exists on the Examiner by examining claims 1-16 in a single application. When searching and examining the Group I claims, the Examiner will also encounter subject matter set forth in the Group II claims. Therefore, a separate search would not be required. In view of the above, no serious burden exists on the Examiner by examining all of the claims in a single application. Accordingly, withdrawal of the Restriction Requirement is respectfully requested.

Applicants hereby reserve the right to prosecute non-elected claims 6-9, 11-13 and 16 by way of a divisional application filed at a later time. Pursuant to 37 C.F.R. § 1.48(b), there is no change in inventorship as a result of this Election.

Respectfully submitted,

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